

United States District Court  
Southern District Of New York

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (RCC) ECF Case
---	-------------------------------

*This Document Relates to:*

*Continental Casualty Co. et al. v. Al Qaeda Islamic Army, et al., 04-cv-5970 (RCC)*

**STIPULATION WITH REGARD TO RULINGS ON MOTION TO DISMISS  
OF DEFENDANT PRINCE SALMAN BIN ABDULAZIZ AL-SAUD IN  
RELATED CASES**

WHEREAS the plaintiffs in the action entitled Continental Casualty Co. v. Al Qaeda Islamic Army (the "Action") filed their complaint on September 1, 2004 and filed their amended complaint on December 7, 2004;

WHEREAS Prince Salman bin Abdulaziz Al-Saud ("Prince Salman") is named as a defendant in the amended complaint in the Action;

WHEREAS Prince Salman acknowledges that service of the amended complaint in the Action has been effected pursuant to the agreement reached between his counsel and plaintiffs' counsel;

WHEREAS Prince Salman has filed a consolidated motion to dismiss the complaints naming him as a defendant in the following related cases (the "Related Cases"): *Ashton v. Al Qaeda Islamic Army*, 02-CV-6977 (RCC); *Barrera v. Al Al Qaeda Islamic Army*, 03-CV-7036 (RCC); *Burnett v. Al Baraka Investment & Development Corp.*, 03-CV-5738 (RCC); *Burnett v. Al Baraka Investment & Development Corp.*, 03-CV-9849 (RCC); *Federal Insurance Co. v. Al Qaida*, 03-CV-6978; *Salvo v. Al Qaeda Islamic Army*, 03-CV-5071 (RCC) (the "Consolidated Motion");

WHEREAS Prince Salman's Consolidated Motion has been fully briefed by all parties thereto and is awaiting resolution by the Court;

WHEREAS the allegations in the amended complaint in the Action parallel those in the complaints filed in the Related Cases and, in many instances, are identical to them; in particular, the allegations that make specific reference to Prince Salman in the amended complaint in the Action are substantially similar to those in the Related Cases;

WHEREAS the parties hereto wish to avoid, if possible, burdening the Court with additional filings or themselves with unnecessary litigation costs;

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

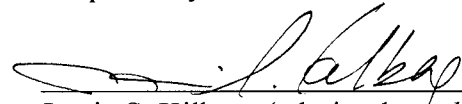
1. The parties hereto will adopt as a binding order in the Action, with regard to Prince Salman, the order of this Court deciding the Consolidated Motion (the "Order").

2. In the event the Order is appealed, the parties hereto will adopt as a binding order in the Action, with regard to Prince Salman, any subsequent rulings by any appellate courts with regard to the Order.

3. All further proceedings in the Action with regard to Prince Salman are stayed pending the resolution of the Consolidated Motion. After resolution of the Consolidated Motion, if the Court, with regard to the cases covered by the Consolidated Motion, orders or requires the filing of any answer by Prince Salman and/or orders or permits discovery with regard to Prince Salman, such order, requirement or permission will apply to the Action, as well.


Respectfully submitted,

Dated in Washington, D.C.: 05/17/2005

  
\_\_\_\_\_  
Jamie S. Kilberg (admitted *pro hac vice*)  
BAKER BOTTS LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2400  
Phone: (202) 639-7700  
Fax: (202) 639-7890


*Counsel for Defendant Prince Salman  
bin Abdulaziz Al-Saud*

Dated in New York, NY: 05/17/2005

  
\_\_\_\_\_  
Robert M. Kaplan (RK 1428)  
FERBER FROST CHAN &  
ESSNER, LLP  
530 Fifth Avenue  
23d Floor  
New York, New York 10036-5101  
Phone: (212) 944-2200  
Fax: (212) 944-7630

*Counsel for Plaintiffs Continental  
Casualty Company, et al.*

**SO ORDERED:**

  
\_\_\_\_\_  
Richard C. Casey  
U.S.D.J.

Date: May 19, 2005